



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/730,359	12/04/2000	Paul Moskowitz	1963-4937	6926
28062	7590	01/04/2006	EXAMINER	
BUCKLEY, MASCHOFF, TALWALKAR LLC			JANVIER, JEAN D	
5 ELM STREET			ART UNIT	PAPER NUMBER
NEW CANAAN, CT 06840			3622	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/730,359

Applicant(s)

MOSKOWITZ ET AL.

Examiner

Jean Janvier

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8,10-12,14,20-27,29-31,33,39-46,48-50,52 and 58-60 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8,10-12, 14, 20-27, 29-31, 33, 39-46, 48-50, 52, 58-60 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Response To Applicant's Amendments

Newly submitted claim 61 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Indeed, newly added claim 61 recites a method for receiving from a plurality of web sites information regarding the most recent times at which content of said web sites was updated and for providing on a display page information to a user or requester comprising whether at least one of the web sites was updated since the user last visited at least one of said web sites.

Since Applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 61 is herein being withdrawn from further consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Detailed Action

Claim Objections

Claims 10, 29, 3, 22 and 41 are objected to because of the following informalities:

Claims 10 and 29 are indefinite for including the auxiliary verb “**may**” in “...which may be of interest to the user..”.

Concerning claims 3, 22 and 41, “...crawling at least one of the web sites” should apparently be --...by crawling at least one of the web sites.--.

Appropriate corrections are required.

Status of the claims

Claims 1-8,10-12, 14, 20-27, 29-31, 33, 39-46, 48-50, 52, 58-60 and new claim 61 are being prosecuted and the remaining claims are being withdrawn from further consideration.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-8,10-12, 14, 20-27, 29-31, 33, 39-46, 48-50, 52 and 58-60 are rejected under 35 U.S.C. 102(e) as being anticipated by Reisman, US Patent 6,594,692.

As per claims 1-8,10-12, 14, 20-27, 29-31, 33, 39-46, 48-50, 52 and 58-60, Reisman discloses a method of and a system for presenting electronic information products, such as magazine collections, and automated mass distribution of magazine updates **and/or a plurality of web site updates** from a remote server (host server) to a wide user base having a diversity of computer stations. To this end, a server-based update distribution service and web browser system with hyperlink redirection capabilities are provided (See abstract).

In general, Reisman teaches a system for providing a computer-implemented information transport software module usable with any of multiple electronic information products for mass distribution of electronic information objects to users of a diversity of uncoordinated communications-equipped computer stations (**providing a client Software that enables users using various processor-base terminals to communicate with a remote server or source over a communication network and receive therefrom electronic content**). The information transport software module (client Software) **is readily customized to an individual information product** (electronic content) to have a user interface (GUI) in said information product for activation of automated transport of an information object (such as an update) between a remote object source and a user's computer station (the client Software is customized to an individual electronic content to facilitate the receipt of an automated update directly from a remote server). The information transport module contains user communications protocols specifying user station functions of the automated object transport and the object source is

Art Unit: 3622

supplied with source communications protocols specifying source functions of the automated object transport. The source communications protocol is co-operative with the user communications protocol and knows the **characteristics** of the user communications protocol, so as to be able to effect the information object transport in unattended mode after initiation (the client is configured to the user's computer's specifications so as to enable the user to automatically receive from the remote source (distribution source) an update of an electronic content in unattended fashion after an initial use or request- Col. 5: 1-20). The present system enables, for example, an information product (electronic content) vendor to supply an automated (or unattended) update (or other information transport facility) of an electronic content to a mass market of computer users in real-time (col. 5: 21-39).

Preferably, the user's communications protocol specify parameters such as a source address (the web site address of an update to be received) and object parameters such as file name or names, file size, location content and format (specifying requested electronic content and/or update attributes) are specified, as appropriate, in either the user's communication protocols or the source communications protocols, or both (**updates or web site updates are customized based on the user's specified attributes or interest**). Such object specification can be listed in an object manifest (file) stored at the user's station, which preferably, for better control of the transport operation, is sent to the remote object source as a verifier or identifier (col. 5: 64 to col. 6: 6)

Here, any user can, easily and with varying degrees of **automaticity or automation**, up to complete automation after initiation (use) of a transport (client software) or upon arrival of a **scheduled transport time, obtain an update object and smoothly integrate it with an**

Art Unit: 3622

original product or product shell (electronic content). In a highly automated embodiment, a containing information product (electronic content), configured with transporter (embedded client software module), is pre-coded with an update, reporting, or other schedule and, referencing the user's system clock, prompts the user for initiation of a transport operation at a scheduled date after distribution of the containing product (electronic content), or fetches a schedule. If the user's system is shut down when the pre-scheduled date arrives to the user's station, a prompt is made at the first time the user's system boots or after the product is used after that date the scheduled update is being used (col. 6: 60 to col. 7: 7; col. 7: 22-28; col. 7: 48-57).

The present system makes possible various new information distribution methods and services. The object source can be a remote server (a web server related to a web site) equipped with a cooperative communication module closely molded to work effortlessly with the information transporter for distributing objects, including updates, to a wide base of registered users or subscribers. Such a remote server (**associated with a distributor or distribution medium or platform**) can be linked to a vendor or gatewayed to other information object sources or electronic publishers' **web sites or web servers, storing in a database electronic content and updates, to receive therefrom the updates of electronic content (or schedule update of the site) or to scan or scrawl the database to obtain therefrom the updated electronic content (or the web site update schedule)** and exploit its smooth and efficient information transport capabilities to act as a **distribution point for such vendors, sources or publishers or other third parties (the remote server is configured as a distribution medium to receive from a registered vendor's or publisher's web server updates or schedule of the**

Art Unit: 3622

updates from the web site, related to the web server, as defined by the user or to scan or scrawl the vendor's web site database to obtain the updates or schedule of the updates therefrom-Col. 9: 31-49; col. 54: 16-19).

It is further understood that the user's previously visited web sites, vendor's or sponsor's supplied lists to the user, other offline of URLs of potential interest to the user **and online retrievals** are used to assemble or build a customized package, comprising of hyperlinked collections of content elements (including updates) retrieved from multiple web sites or Internet locations or other appropriately dispersed source (using, for the user (tracking the user's interactions and recommending additional web sites to the user accordingly- Col. 53: 50-55:17).

See in general col. 20: 35 to col. 23: 37; col. 29: 10-25; col. 39: 18-53; col. 53: 51 to col. 55: 17).

A schedule of updates with names, dates (times) and file sizes is provided to a user in a containing news magazine product, associated with an online source or Internet site, distributed on a CD ROM, wherein the schedule is accessed by the user with a user interface (display page) showing when new content or update, related to the magazine product, will be available at the site or remote source for download by the requesting user of a remote terminal or station (col. 21: 8-18).

In one aspect, the also provides a computer-implemented offline browser system for offline browsing of locally stored Web pages, distributed to the identified user on removable media and associated with a publisher's established web site, wherein the local offline browser system is suitable for distribution to a mass market of users, (or to a small group) and

Art Unit: 3622

for operation at a local computer station, and which comprises; a) local content elements for at least one local Web page, said content elements being intended for storage at said local station; b) an offline browser to access and present said content elements via said local Web page; and c) a transporter, being an information transporter component, as described herein, initiatable from said local Web page, automatically to effect a dial-up connection, or its equivalent, to a desired remote information source (or a web site) and retrieve or download therefrom at least one pre-selected or pre-specified new content element to update or augment said local Web page in accordance with the remote source or web site pre-defined schedule update, i.e. dates and times when new content will be available at the remote source for download, (for information available at the web site or content related to the local web page), wherein the remote source or web site schedule update may be transmitted originally along with the web page provided on a removable medium, such as a CD-ROM or in a separate transmission. Here, the offline local browser can be utilized to access said new content elements via said local Web page and provides user interface functions for such new content access. Preferably, the browser also includes conventional online browsing capabilities (receiving a request for a schedule update and, in response, displaying on a user interface or display page information related to the requested schedule update) (Col. 39: 54 to col. 40: 10).

Further, the offline local browsing allows active hyperlinking to remote locations or remote sources or web sites (hence, the term "active" offline browsing to distinguish from mere passive viewing of content, or web pages, wherein hyperlinks are either non-responsive or yield to errors- col. 40: 11-15).

See also col. 40: 66 to col. 41: 25; col. 41: 43 to col. 42: 17

By so doing, local Web content can be pre-distributed on CD-ROM or diskette for use with the described offline browser system. This distributed, locally stored Web content can then be combined with more current, or additional content obtained from the sponsor's Web site or other remote location by either intermittent shuttling or live continuous browsing. This allows user selection of local, intermittent or live modes, as desired, or as available at any given time and place. Providing such multiple access capabilities enables a vendor or sponsor to distribute their product en masse to computer owners or users with confidence that a large number of prospects can use the product easily and currently. For example, diskettes might be given away with a computer magazine to be sure of reaching a market rich in enabled prospects by any vendor willing to make the investment to reach them. A different group are prospective house purchasers, a group rich in computer owners and users, who could be given an initial diskette or CD-ROM containing a realtor's listings, and the inventive offline browser system for viewing and updating the listings from a Web site or other remote server using either the Internet or the telephone network. This method enables the prospects to browse the realtor's listings offline at their leisure, and to update it easily via either the Internet or the telephone network, as needed. The realtor does not have to consider whether their prospect has an Internet access subscription, and the prospect does not have to worry about the difficulties and costs of attempting to download extensive listings (col. 42: 18-53; col. 43: 14-24).

Briefly stated, the present settings or mechanisms allow a standard browser to be used to view content and select links to follow to additional content. In simple embodiments, when the link target is locally resident, it may be automatically handled by the standard browser; when it is not present, the link (hyperlink) can be coded to cause the browser to invoke the transporter (or

Art Unit: 3622

software or agent) as a helper application to establish a connection with a network, such as the Internet, to access the remote location or source or web site associated with the link or hyperlink (Col. 44: 24-44). In another embodiment, the embedded link or hyperlink is based on the user's interest (col. 52: 65 to col. 53: 30).

The present system also provides a computer-implemented web package assembler enabling sets or packages of Web pages to be assembled into useful web packages from content available at diverse locations on the Internet. A key component of such a web package assembler is a link relocation module to rationalize all hyperlink references within the package, for local browsing. The web package content is uniquely selected based on specific criteria or the user's browsing habits or web pages previously visited.

The package assembler uses a selection tool to assemble a desired specific package or web package from the content elements generated by a content retriever. Here, a preferred web package selection tool provides a time-optimized selection process to economize on connection charges. Because of the vastness of the World Wide Web, and the extent of its content, it is important that the selection tool apply a range of **filters or selection criteria with optional specification or customization or plug-in** control of parameters for content, source, quality, style and other parameters. A particularly desirable feature is an option for explicit specification of desired content known to exist on the Web, for example Web pages previously visited, and preferably means (e.g. drag-and-drop, paste-and-copy, or a separately windowed routine employing a file manager) are provided to facilitate such desired content specification, for example by posting respective URLs from the user's hotlists, cache of visited sites, vendor- or

Art Unit: 3622

sponsor-supplied (suggested or recommended) list or other offline (or online retrievable) source of URLs of potential interest to the user (col. 53: 50 to col. 54: 6).

The retriever tool uses the search tool and crawls across the Web, like a Web spider, to locate and retrieve desired or suitable content, based on defined criteria, in HTML format. The analogies to a spider web and references to a Web spider and Web crawling are used to denote an organized search of Web sites involving visits to those sites rather than merely scanning the content of one or more search engines. Clearly, a comprehensive search of the content available at any and all Web sites is a time-consuming project. Crawling techniques can also include the pursuit of hyperlinks to relevant content, and other techniques (col. 54: 16-28).

While these tools (selection and retriever tools) will clearly have utility at the user's station, a preferred embodiment locates them on a web package server accessible to users by direct dial-up connection. If desired, the web package server can be provided with facilities dynamically to assemble batches of content elements into standardized or customized web packages. Standardized web packages might for example be news items for a trade news letter that have been located at and retrieved from a number of sites relevant to activities in the trade, are distributed to a population of users, whereas customized web packages, which are preferably dynamically assembled upon request, are intended for an individual, or small group of users, meeting their specific content requirements (col. 54: 52-65).

In short, the user can, easily and with varying degrees of automaticity, up to complete automation after initiation of transport or upon arrival of a **scheduled transport time**, obtain an update object or upgrade and smoothly integrate it with an original product or product shell

Art Unit: 3622

distributed to the user online via a web site or on removable media as soon as the update or upgrade, such as new content used to update the local web pages running on the user's remote station, becomes available in accordance with the received schedule. Further, in a highly automated embodiment a containing information product (magazine, realtor's listings, web pages), complete with a transporter or having a transporter embedded therein, is pre-coded with an update, reporting or other schedule (the schedule update is embedded in the downloaded web pages or in the product distributed via the removable media), referencing the user's system clock, prompts the user for initiation of a transport operation at a scheduled date, to download new content or update or upgrade used to modify the originally received product (web pages, magazine or realtor's listings, etc.), after distribution of the containing product, or fetches a schedule. If the user's system is shut down when the pre-scheduled date arrives, such prompt may be made at the first system boot or product use after that date (col. 6: 51-59; col. 7: 29-37; col. 8: 57-64). Updating can also be totally automatic, and other than an obviously desirable user notification, be completely invisible to or transparent to the user, running in background on their system, while the user's screen is available for other processing such as running the containing information product. Where updates are made available on a known schedule, a totally automated product can be provided that fetches an update without any user intervention, on the specified release date, or as soon thereafter as the user's system, or the containing information product 12 of fig. 10, is activated. In practice, most users will probably prefer an opportunity to confirm that the fetch transaction should proceed. A preferred embodiment monitors the user's system clock and alerts a user to the arrival of an update release date and asks the user to confirm that the

system should seek and fetch the received scheduled update, if available (col. 11: 65 to col. 12: 27).

Response To Applicant's Arguments

The Applicant's arguments are based in part on the newly amended claims and are fully addressed in the above Office Action (See the underlined portions of the Office Action).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6, 101, 486 discloses a method and system for gathering and storing customer profile data when the customer accesses a website location. Dynamic content messages from company marketing material are selected in accordance with the profile data and used to provide a customized webpage to the customer. In addition, a customer service representative can provide real-time updates to the customized webpage when the customer contacts a customer service representative to place a product or service order.

US Patent 6,725,214B2 to Garcia Chiesa discloses a method and system for finding a Uniform Resource Locator (URL) that points to a most updated authoritative source of information contained in database systems, including crawling websites to determine likely

Art Unit: 3622

publicly available records and processing the likely publicly available records to determine a unique list of URLs each of which point to information content of **crawled web sites that are likely to be the most updated authoritative source of the information content.**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication from the Examiner should be directed to Jean D. Janvier, whose telephone number is (571) 272-6719. The aforementioned can normally be reached Monday-Thursday from 10:00AM to 6:00 PM EST. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Mr. Eric W. Stamber, can be reached at (571) 272- 6724.

Non-Official Draft- 571-273-6719

Application/Control Number: 09/730,359
Art Unit: 3622

Page 15

11/26/05

JDJ

Jean D. Janvier

Patent Examiner

Art Unit 3622

JEAN D. JANVIER
PRIMARY EXAMINER

Jean D. Janvier